

00:00:05:02 - 00:00:39:17

Right. Thank you everybody. Uh, it's 20 to 4, 1540. Uh, and we're going to resume this issue specific hearing, and we're moving on to requirement seven, which is construction hours, including start up and closedown periods. Um, in terms of requirement seven construction hours. Uh, the applicant has responded at second written questions. Question DCO 2.10. Uh, it has provided a high level model exercise for the scenarios specified in the question.

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Uh, urging caution with regard to the results and stresses that the importance, how important it is to understand that the results of the scenario testing. Uh, it also stresses the importance. It's important to explain how the construction program modeling operates in the practice in practice and highlights. It uses an industrial recognized program such as Primavera six. I think is the one that P6, which is the one that's mentioned in the reply. Um, where the results of the modeling have been provided, the applicant advises the removal of just Sundays.

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Um, the energy ization date would be delayed by approximately 9.5 weeks. Uh, the removal of just bank or other holidays would have no impact. And the removal of Sundays bank and other public holidays. The energy ation date would be delayed by again the same figure 9.5 weeks. Um.

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It highlights it's not appropriate to embed extended powers or weekend working assumptions into the program. And the hours over and above the standard as modeled are typically applied for um applied for as program leavers. Given that the wide understand It's widely understood that construction industry that time on site is not 100% productive. They've also advised that there's a number of studies that prove direct, productive work to be between 30 and 60% of the total site time, quoting things like start up and closed down procedures, movement of contractors to the correct location, etc..

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Um, they've also highlighted the modeling contractor programs are typically structured around a standard calendar assumption of five day working week of between 9 and 5 p.m., uh, with a total crew shift patterns not explicitly modeled. Um, can the applicant confirm that the 99.5 weeks as a result of the scenario testing in a and see of their reply are annual, or are they over the lifetime of the project? I'm assuming that the lifetime of the project because you talk about the indicated energy station date, which will be delayed by five point node.

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So 9.5 weeks. But can you confirm that my assumptions correct please? Yes, I think I can, but with the caution that you've set out rightly in the answer that we gave, we don't think you should place significant weight in that. That is something that comes out of a model that is not based on the patterns that will be used when you are looking at pylons for matters that I'll explain later if you wish me to. Or we can put into writing again, but I think you have grasped those.

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In any event, when this matter arose on the earlier agenda, and for nobody's fault, we didn't get to it. Um, I indicated that this was one of the most important of matters for the applicant, and we anticipate for the department as well, because it goes to the timely delivery of urgent national infrastructure. So I answer your question directly. I am sure I'm right in saying that it is a total as opposed to an annual. The figures which appear in the other document that you referred to, the the percentage loss of time, that is a annual figure so that accumulates.

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And that, we say, is a much more appropriate way of looking at it, because what it does is allow you to understand the importance of staying on target to the overall delivery of the project as a whole. And, um, what I will be saying, if you allow me to is that in the circumstances of a scheme which is of such criticality and urgency, and I'll address you on the urgency, there ought to be very, very clear and evidenced reasons for having project wide blanket restrictions, because the law requires you to find that those restrictions are necessary and proportionate, and you then have to balance the benefits of those restrictions against what we say are the very significant harms of delay, but that that's rather straying beyond your question for the time being.

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I apologize. No, that's.

00:05:13:08 - 00:05:34:06

Okay. And it's helpful to understand where you're coming from. But the the counter-argument could be put the opposite way around that. Um, you know, obviously it's for the applicant to justify the hours it's seeking, even in the light of a critical national priority project because of the exceptions to critical national priority, one of them being health and well-being. So. Well.

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Russell Harris KC, for the applicant, we would say that would be to make a legal error. Um, adding a requirement is something that is required to be necessary and to pass all the other tests. And that's made perfectly clear by section 120 of the Planning Act 2008. So the restriction, whether it's the CNP or not, has to be established and it has to be established on the evidence and on the evidence, the only evidence before you.

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There is no evidence that there is a need for blanket wide restrictions at all. Secondly, there is no evidence that there is likely to be unacceptable impact on human health for reasons. Again, I can go into the only evidence before you establishes that much of the relevant construction phase will take place in rural areas where there are few receptors and no likelihood of noise or disturbance. So there's no justification either in terms of the setting aside of the CNP or in terms of impacts on human health there.

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Based on the proposed proposed working hours and days that we have undertaken the Ice on underplaying nationally and internationally accepted thresholds, including for disturbance from HGVs, for example, including noise from operational activities including um, noise from percussive drilling, which you were asking us about at the first hearing. There is no requirement for a project wide blanket, and even where there are requirements for, um, mitigation, they are all put in place through the various CSPs and the MPs.

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Um, they do include the potential for targeted mitigation where they are required that's recognised in the ES. These will include local temporal restrictions where justified on the evidence and will be secured by requirement for undersea OCP and MVP. Now there's no alternative. Contrary technical or other evidence before you, which either suggests that this evidence is incorrect or that there is likelihood of unacceptable who harm to human health.

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Um, so there's no evidence upon which it would be appropriate to place those blanket restrictions across the longest DCO uh uh, sort in terms of overhead lines at least. Um, but can I also, if you bear with me because I did say at the last is this was the potentially the most important point. Um, you also have to, uh, with respect to understand and I know you do, um, how the criticality and urgency of the project is weighed in the balance, the planning exercise required when considering constraints to delivery, which might impact upon the delivery of the scheme as a whole and when it's delivered in particular.

00:08:57:29 - 00:09:34:23

Um, now, Ian, one makes it clear and I'm going to summarize this because you've heard it from us a number of times that, um, although there's no requirement on an applicant to establish need or its, um, criticality or its urgency, they are all to be taken as read, the actual scale of the need, the actual criticality, and the actual urgency and the consequences of delaying are a material consideration which you must take into account. Um, and in this case, the the volume of new reinforcement works is set out at 3.3.68.

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It's very, very substantial. The criticality of East Anglia. And this proposal to it is also set out in N1 in the same series of paragraphs, and the fact that meeting those needs is critical, very time critical is set out in the N1 at three, 363 and 3364. Urgent as quickly as possible. You've seen all of our submissions in that. Um, but what I'd like to do with your leave is to to look at the reasons why that urgency are to be taken as given.

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Um, there are many of them, but just two. For example, that post date n1, which, which, which then must be put into the balance when determining whether the restrictions and any benefits that flow from them outweigh the harms of further delay. Um, and the first of those is the position of Niso. And I raise that the position of Niso because they are the independent body set up by statute to provide advice to decision makers, i.e. the Secretary State in this case, and by implication, the examining authority that that's that's you on the delivery and network reinforcement having regard to policy and as you know, it now advises,

uh, decision makers that the need for the delivery of Norwich Tilbury is what it calls mission critical and urgent.

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And in its words, government and decision makers should. And you've heard this from me before. Now be prioritizing pace over perfection. And that's not a choice of words that statutory advisor uses lightly. What it's saying is the benefits of provision and pace outweigh the potential harms of seeking perfection. Now, that doesn't mean that anything goes, as I go on to say in a minute.

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Um, but one of the things that you'll be aware of is that it has advised Desnos directly that if Norris Shelby cannot be accelerated, that's their aim, is that it should be accelerated, not further delayed to 2023, 2030, sorry to 2030 then constraint payments paid to offshore wind operators in the sum of 2.7 to £2.8 million per annum, and that is per annum will be payable. Ultimately, as you know, the bill payer will pay these sums, meaning significant increases to all customers across the UK.

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That means that did I say million 2.7 to 2.8 billion. So it's 7 million a day. Yes. Yeah. Any acceleration would bring reduced constraints. That's a public benefit that you put into the balance. Any delay beyond 2030 would result in correspondingly increasing costs in at least the same order. And again, that is a public benefit which will be foregone, which will need to be put into the overall balanced.

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Second, not any N1, but very much in the minds of ministers at the department. If you read their, um, statements and speeches. There is now an enhanced and urgent need for um, security of cheaper domestic provision in the national interest. N1 already refers to the consequences of the Ukraine war for national security of supply, and for loss of energy, and for the urgency of ensuring that that National security of energy can be restored.

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The Iranian conflict emphasizes the lack of geopolitical stability and strengthens the need to accelerate. Ministers say the ability to rely on domestic production.

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North sea.

00:14:00:04 - 00:14:00:28

Wind.

00:14:01:02 - 00:14:40:05

Is, as we know in our submissions, the cheapest to produce is domestic and is secure. Now, where does the role of that urgency come in the planning balance? Well, we say it comes in the following way. The public benefits of accelerating. So, um, that's what Niso is advising. Accelerating delivery and avoiding

delay are both and all hugely consequential. And they fall to be weighed in the balance and powerfully so when considering provisions to ameliorate what are temporary.

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Okay, long term in some respects, but not many for reasons I come to construction disturbance issues, brackets, if any, that can't be mitigated because we believe the evidence shows that it can be. Now, as I said earlier, no one is saying that delivery tramps everything in this case, far from it. And our approach has not been to do that. But we say the scale of the public benefits foregone by delay when Niso is advising acceleration must be properly taken into account in the overall balance.

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And what that means finally, and this is this is with respect why I say there'd be an error of law if you said the onus is on us against that context. Any provisions which cause delay to delivery, particularly blanket Project wide delivery issues. Constraints such as no working anywhere on Sundays or bank holidays, or no working in certain circumstances across the entire project would have to be very, very particularly evidence and justified.

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And insofar as they aren't justified, they wouldn't pass the tests of necessity, which are set by section 120 of the Planning Act. Um, just as firmly as they are in planning enquiries and planning permissions. And the evidence on noise that you have before you is the key to this. In our submission, um, evidence on noise, vibration and disturbance is set out clearly in our evidence. It's, um, it's chapter 614.

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It's the only such evidence before the examination. And it establishes, as I've said, that much is rural. It's based on the proposed working hours and internationally accepted thresholds. It. It accepts and delivers and directs temporal restrictions where they are justified, which the local authority will be in control of and can be secured through the kiosk and it will be a criminal offence if we breach it. Now, in addition to those, the construction of a largely linear project is by definition mobile.

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It's always shifting with the duration of works for the overhead line in particular characteristically moving quite quickly. Section by section. Pylon by pylon. Line. Draw by line. Draw and then moving on. And therefore this concept which really appears the local authority's only um.

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Tool to suggest blanket bans. this issue of respite from constant construction traffic work from constant

00:17:36:06 - 00:18:07:08

construction works is therefore less convincing and less applicable, and we'd invite you to watch, a colleague said about that in Yorkshire chagrin. But because for the reasons of an overhead line, um, but by and large, the, uh, disturbance is limited is subject to local mitigation. But in any event moves on quickly. Um, and in further addition, I will ask, um, the National Grid team to say a bit more about this.

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Um, the construction of pylons is a unique methodology and has a unique profile which seeks to optimise delivery by gangs working, uh, non calendar week shifts, usually 12 days. So if you imagine the impact of no working on weekends when you've got a rolling 12 week program which is industry wide for delivery of pylons, you you can see that it has the prospect of being hugely disruptive and having a knock on effect in relation to, um, timetables, timetable and delivery.

00:18:46:19 - 00:18:52:02

But the other thing that's important is flexibility. Flexibility to catch up or.

00:18:52:04 - 00:19:23:15

Whether I understand all this, Mr. Harrison, you've you've you've outlined the majority of what you've said previously in written responses, which is fine. And I fully understand that. Um, the, the main area that you hadn't previously outlined was the 12 day shift pattern. Yes. That hasn't previously been explained that I can recall. Well, it's been mentioned for sure. Yes, but but I mean, my point was more about the specific hours that you're seeking and, um, and the points that the local authorities are making in regard to that.

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Just just bear with me when I go through my calculations with you. And these are very crude. So. And this is only based on what you've said in your reply. Um, regarding, um, standard calculated assumptions. Right. Um, so, so if you use nine till five, uh, as your standard calculation assumption, you take an hour out for lunch or breaks or whatever throughout the day. Uh, and you multiply that by five days, that's 35 hours a week.

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If you multiply that 35 hours a week by 9.5 weeks, which would be for the duration of the project. Uh, that's a total of 332.5 hours. Okay. So that's the potential for loss as a result of taking out Sundays. Um, for example, over the lifetime of the project. So when you then compare that against the hours of working that you're actually proposing, uh, and that's seven till seven. Um, and you exclude Saturday working which you are including.

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But if I exclude that, um, and then if I also exclude the start and closedown period, which is another two hours, um, and I take out an hour for, for lunch or breaks. That's, that's the equivalent of 11 hours over the day. And you multiply that by five days. Uh, that's 55 hours a week compared to your 35 from your standard modelling. Um, and on that basis, if you applied scenarios A and see, um, where you lose your 9.5 hours, sorry, your 9.5 weeks, uh, it would take.

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And again, this is very crude, 16.625 weeks to recoup that lost time. Um, and over a period of 52 weeks, that would be potentially a 1042 hours or 29.7 weeks. Um, if you apply a 20%, sorry, a 30% reduction to

that 20 hours that results in 14 productive hours are applied out of that 20. That increases it to 23.75 weeks.

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If you apply the 60% reduction, uh, that results in eight productive hours out of that 20. That results in 41.56 weeks to recoup the 9.5 weeks. And that's annually, you know. Um, I'm just trying to get an understanding of, of why the hours are necessary, so extensively necessary. Um, and I take your points about, you know, the urgency related to this, but I'm trying to balance this against what the local authorities are telling us in terms of, of the impact that it will have on their particular areas.

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Um.

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I mean, I can, I can. I've read all of their comments in response to this. I can tell you exactly what they've said, and I'm sure you've read them yourselves. And I don't want to overly labor these points, but they talk about, you know, they've they've come back and collectively a suggested revisions to the construction hours, uh, requirement. Um, and they're, they're I mean, you will have seen their responses where they've highlighted the, where the majority of them have agreed, um, that, um, construction area should be revised till seven till seven Mondays to Friday and 8 to 1 on Saturdays, and may not occur on Sundays, bank holidays and other public holidays.

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Core working hours unless otherwise approved by the local authorities. No piling operations, as opposed to percussive piling operations, may take place between 8 and 6 Monday to Friday and 8 to 1 on Saturdays, with no paying at all on operations on Sundays or bank holidays. Um requirements seven three um HDB deliveries. They're looking to um for seven to or seven Monday to Friday and eight till one on Saturdays.

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Um, the revision to the operations that may take place outside of core working hours revision item 4G which relates which relates to delayed by severe weather conditions and disruptions. They're looking to add some wording there that reads The Undertaker and its contractors agree forms of critical paths for acceptable construction programmes. As such, as in such cases, the undertaker must, as soon as reasonably practicable, notify the relevant planning authority of the disruption or intend interruption, disruption or interruption and explain why that work could not be completed within the core.

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Working hours referred to in subparagraph one and required 75 works. Outside core working hours are subject to a 50 decibel limit noise limit um, which applies from the nearest noise sensitive receptor for start up and closedown activities up to one hour either side of the core. Working hours. As I say, not all local authorities are agreeing on that revised wording, and they've also provided a revised wording for or start up and closed down activities in their last submissions.

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Um, but, you know, I'm trying to get a clear understanding of why such wide ranging, um, hours of operation plus the two hours either side for start up and closedown are required over the time period that you've specified within the condition. Now. As I say, I understand the point you've made. You've you've repeated a lot of what was said in writing already. I hadn't picked up previously on the 12 day working program for the, the, the construction workers.

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And I'd like to know a little bit more about that, if at all possible. But how do you justify, um, those calculations? And I think you may need to go away and have a look at them to, to work them out yourselves. And as I say, mine are very, very crude. Um, and, you know, probably you can poke holes in them all over the place, but, um, I need a better understanding of why seven, two, seven plus two, two hours, one hour. Either side is actually required. Um, and why when only 9.5 weeks over the entire just over the entire construction program, if that is correct.

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Um, you know, warrants the hours that you're seeking. Bearing in mind the local authority responses.

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Russell Harris KC, for the applicant, we will take your invitation to take it away. I don't poke holes in what you've done because I did something very similar. Um, but, um, I will pass over to, um, the grid themselves to explain the importance of the core hours to the delivery of this proposal. I just make three points, if I may know. Um, and we will come back in writing because it's a thoughtful question and deserves a thoughtful answer. Um, the the 9.5 weeks is not correct for reasons that we've outlined, because the program, for example, doesn't factor in the 12 week at 12 day weeks.

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There are several other reasons why you cannot rely on it, and it would be inappropriate to do so. You asked us the question. We fed it into the model, and that's the answer. But that's not the way it is going to work or can work in practice. That's the first thing I'd say. The second thing I'd say is, um, we we and government are being advised, and I think the inspectorate is to probably by Niso, that there is a requirement to accelerate, not to decelerate.

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And so the starting point is if possible, to go quicker, which means that if you're imposing conditions that will mean that we go slower. It's contrary to that advice and the public harms that flow to that from that are part of the analysis. And I think if I said anything that's new today, it's it's it's focusing on that part of your balancing exercise and the Secretary state's balancing exercise because, you know, ultimately be the secretary state to do it in terms of the restrictions that you identified for the local planning authority.

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We have read and know and understand them, but they've got to be really read against the background of no technical evidence in support of them. And our technical evidence, in effect establishing that with mitigation, with our hours, there is no demonstrable harm, which means you then go to the issue of this, um, respite and you ask yourself, is this a respite case in the same way as others are? Or is this more a respite case where it's an allegation of a general position of respite, which the Secretary of State give little weight to in Yorkshire Green, for example, because it was not substantiated by technical evidence.

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It's the same circumstance that we say here. Um, so we will come back with you. I will ask, I think, though, um, the team, uh, and uh, in particular, um, Emma McDonnell, to say something about why, in principle, those core hours are so essential to the way in which, um, the, the operation runs. And maybe within that to explain the, um, 12 week, um, 12 day pattern shifts, please.

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Thank you. Emma McDonald, National grid. Um, so yeah, I'll focus.

00:29:21:00 - 00:29:58:28

On a few key points just to expand from what Mr. Harris has said. But firstly, covering the key question, you said around shift patterns, the workforce. So to explain a little bit to before I get to that point, it's important to recognize the specialist nature of the construction work for for a project such as Norwich Tilbury and an overhead line project, in particular the use of overhead line engineer's overhead line linesmen, commissioning engineers in relation to underground cable specialist cable jointing, and and also that there is multiple other types of um construction works, including civils on site at the same time.

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Um these work sorry. This workforce may relate to overhead line work substations, cables, civils and we often refer to them as packages of work or workforce relating to a package of work. And typically in the industry, contractors work a 12 day shift pattern. It's quite unique to the overhead line industry, but it's important to recognise that each package of works are different. So, for example, if it's okay, I'll use some examples to kind of explain this point.

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If we have overhead line teams on site and they are pulling conductors, for example, and we are not able to have other um, construction workers for other work packages, say for example, civils, if there is work to be done for whole roads, construction or scaffolding works to erect further along the line, um, because of health and safety. So different workforces within each package may work different 12 day patterns. And so in in that respect, whilst you may have your overhead line team working a 12 day working pattern, you may have a another one of the workforce types working a different 12 day pattern.

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So therefore you might have overhead lines working one weekend and cables another weekend just as examples. Um, you know, part of this and the fundamentals around this is the need to ensure health and safety on site so that when one work activity is taking place, other work activities may be constrained.

And this is part of the importance for the core working hours Monday to Friday, including Saturday and Sunday, because of the working patterns and the specialist nature of some of these, um, workforce that are being brought in from other parts of the country or even outside of this country, um, particularly for cable jointing, where they may need to support the project delivery.

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Um, if that hasn't been explained before, we are happy to put that in writing. And just to add a couple of points relating to the need for flexibility, and I won't go into all the the references to the modelling work that's already been set out. And you've definitely seen because you've gone through it in a lot of detail. I think it's just to recognise that that modelling was done in response to the questions that you had raised, and so it's important to recognise that we did highlight caution around that. And because that flags are quite, very much an optimistic view.

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Um, but it's important to recognise that in this type of, um, activity, flexibility is required. And if I just touch upon a couple of examples of where flexibility may be needed, for example, to manage construction sequencing, which I have talked about already, accommodating weather related disruptions, for example, extreme heatwaves, storms, etc., uh, ground conditions and where you may encounter a

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more difficult ground condition than was anticipated, which may delay the activity that's taking place on site and outages and outage requirements. And I know that that has been discussed in in quite some detail already. So, yes, the response to the question does a position on that, um, using the modelling that has been taking. But we do recognize caution because that program modeling that we look at cannot account for all the potential delays that can take place on the project and the flexibility that is required.

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Is that okay, Mr. Harris, or would you like me to cover any of the details?

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I understood it all. So it's fine by me, but do you want to add anything, Mr. Harris?

00:33:43:05 - 00:33:59:13

Russell. Harris. Casey for the applicant? No, but I would ask, um, Graham Livings, who's who's the engineer responsible for all of this? Um, to answer your question, which is, uh, why and whether all of the core hours, in his judgment, are necessary.

00:34:02:07 - 00:34:32:22

Graham livings, on behalf of the applicant. Um, yeah. So I've. I've been working in the overhead line industry now for 15 years. Um, and seven till seven is a industry practice, as is the 12, um, 12 day fortnight. Um, all of our overhead line, um, refurbishment projects and all of our, um, recent submissions for DCO, um, applications also include um, of like minded projects would be on that basis.

00:34:33:21 - 00:34:34:09

Um.

00:34:34:27 - 00:34:35:19

Okay.

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I know I asked a specific question with regard to, um, the modelling and what effect that would have on the commissioning. Um, certainly the going live date effectively for the energy ization. Um, but slightly disappointing for you then to be saying, oh, but it's not reflective of what we're actually doing because. Because ultimately I wanted a clearer understanding of taking out if we took out Sundays, for example, what that impact would be. And I hadn't been clear previously that, you know, the 12 day working pattern, um, or the 12 day fortnight or whatever you wanted to call it.

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Um, but I understand that now, but but it would be helpful to have a clearer understanding based on what you're actually asking for in hours. If we took out a day or bank holidays or any of those three scenarios that we put to you in the question, what that what that would be likely to look like in real life on the ground and the impact it would have on your delivery, the the Provera P6 model that you provided, um, you know, gives gives me a generality, but I'm struggling to understand why you would give me that model if it's not reflective of what the impact would really be on the ground.

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Um, you know, I asked a specific question. You've answered the question, but then you've said, oh, well, it's it's got all these safeguards against the reply because, you know, it doesn't do this. It doesn't do that, whichever other reason, it doesn't match. But, um, you know, for me to be able to justify the hours that you're seeking within the condition or not, or change them, I need a better understanding of why you need seven till seven, and I need it clearly explaining to me, because at the moment, I'm not persuaded based on my own calculations, using your modelling, that it's required.

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Um, with the exception, I, with the exception is the, the 12 hour working or 12 day working fortnight that you've mentioned. Uh, and that's 7 or 7 is, is the standard practice that you've done. But that doesn't necessarily justify why you need that length of time if it's only 9.5 weeks. And I know you've said it's not accurate now, um, but but I need a clearer understanding of what the impact would be if we took out those three, those three on the actual project, not on the basis of the model.

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Understood. Um, Russell Harris KC, for the applicant, um, you've made it really clear. Um, we've made our submissions on where the burden lies, if you like. Um, we were too literal in that we took the question exactly on its face and gave you exactly what the model kicked out. But you need to understand how the model's algorithm doesn't deal with the 12 weeks.

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For example, can I leave it with an action point for you to make your explanation? Um, based on the real life impact it would have on your program? Um, not just in terms of annual, but in terms of the lifetime of the construction of the project and what taking out those three scenarios would do to the project as a total. Um, I'm going to ask county and local authorities. I've read your submissions in regard to this.

00:37:58:15 - 00:38:16:06

I don't need you to repeat them. I fully understand them. Um, you've you've heard what I've said to the applicant about it. So, uh, unless you've got something extra add to add. Um, I'd like you to respond now, but, um, as I say, it's only if there's something extra. Mr.. Mr.. Benson.

00:38:16:10 - 00:38:16:25

So.

00:38:16:27 - 00:38:50:21

Yes. Thank you. Michael Bedford, Suffolk County Council I think we probably need some more clarity from the applicant as to, um, the exercises that it's undertaken, because my reading of the applicant's response to DCO two S10 in, uh, rec 5 to 11. Um, I think whether I've misunderstood what I've been reading. But I didn't get the impression that I think you've been getting this afternoon from the applicant about the position.

00:38:50:26 - 00:39:24:12

If he if you take that document and it, uh. Um, the answer to DCO two point S10 begins on paper, page 81. It may be a slightly different electronic page, but first of all, the applicant perfectly properly and fairly answers your question, um, in relation to the modelled scenarios, but then goes on to explain why they need to be treated with caution. Um, and then goes on to explain what the applicant has then done.

00:39:24:14 - 00:39:56:02

And as I my reading of the text, well, first of all, say what it says and then I'll say, well, I understand from it is that after the applicant has provided that information, including the 9.5 weeks, and said, you know, take that with a pinch of salt, please. They then say at the pre consent stage, the final construction working hours to be approved through the DCO are not yet fixed. As a result, it is not appropriate to embed extended hours or weekend working assumptions into the program.

00:39:56:06 - 00:40:41:12

Hours over and above standard as modeled are typically a five four as program levers. Given that it's widely understood in the construction industry that time on site is not 100% productive. Then goes on to say the program is therefore developed by working back from the required delivery date, taking into account typical levels of construction productivity, rather than assuming that all available hours are fully productive. Then goes on to say, taking account of the above, for the purposes of modeling, contractor programs are typically structured around standard calendar assumptions five day working 9 to 5 with detailed crew shift patterns not explicitly modeled.

00:40:41:14 - 00:41:14:16

And it then goes on to talk about There is a need for flexibility to inform the requirement for Sunday and public holiday working, and that is explained for two reasons. One, it said there are some activities. It says a number of activities, not specific. A number of activities are undertaken by finite specialised specialist crews. In some cases, those specialist teams are mobilised for intensive rotations, including patterns such as 12 days working two days off every 14 days.

00:41:14:18 - 00:41:56:05

So it's only a sex segment or subset of the activity, and it is therefore unrealistic to characterise all Sunday or public holiday working as exceptional or atypical. Then goes on. Secondly, and this is the second reason for flexibility, Sundays and public holiday working provides an important programme and resilience recovery mechanism. Large electricity projects routinely affected by massive adverse weather, so on and so forth that my reading of what the applicants had presented to you in that answer was that they had devised their working to their critical path, whether that be 2030 or 2031.

00:41:56:07 - 00:42:46:02

I'll come back to as a separate point. But they devised that without directly assuming that they would get the extended hours that they've asked for in this order. They then say, but there are a number of reasons why we need those extended hours. And primarily that's for flexibility reasons. And so what we're really dealing with is not if you were to shorten the hours to something along the lines as suggested by the local authorities, would you knock them off their critical path? Because those hours aren't actually a component that they've relied on to achieve their critical path? The point is simply, would you be eating into their flexibility, which we understand and what we have done.

00:42:46:04 - 00:43:18:15

And you've seen a reference to it, and you've obviously referred to it and summarised it in the earlier representations that we put in at deadline five. We've put forward a suggested requirement which does have within it, embedded within it recognition that there will be exceptions where if you can make a case for extended hours, then they can be applied to for the local authority. And if there's a good reason, no doubt they will be acceded to.

00:43:18:17 - 00:44:14:07

So what we're saying is that the argument really comes down to how do you best build flexibility in do you do it as the applicant wants, which is give us maximum flexibility, the seven till seven, seven days a week and we will, as it were, work ourselves in a way which minimizes impacts. Or do you say no? You don't actually need all of those hours to deliver on your critical path, but we're perfectly cognizant that there will be circumstances where you will either for particular activities and that may be some of these specialized activities or for particular reasons, external reasons, whether it's inclement weather or whatever, you will need those periods of weekend working, and in which case you can explain that and then that can be considered.

00:44:14:09 - 00:44:58:26

So that's the real debate as we see it. Um, and so we've put forward our wording. We're certainly open to refinements to that wording if that's thought to be appropriate. If I just make a couple of general points, and I know you don't want a regurgitation of what's previously been said, but obviously we have taken note of and taken into account the conclusions of the Sealink examining authority we know not accepted by the applicant in Sealink, but we note that the Sealink examining authority also recommended reduced working hours compared to the applicant's proposals, in order to provide community respite.

00:44:58:28 - 00:45:39:24

And the second point, which again, briefly, um, the issue about urgency, um and Niso and timescale. Obviously, Sealink is also one of the projects referred to in Clean Power 2030, in the same breath as it were, as Norwich de Tilbury, as having the same urgency attached to it. That was all well aware and made known to the sealing examining authority, and they obviously came forward with their proposals notwithstanding that, and then separately, The issue that millennial friend raises about urgency.

00:45:40:04 - 00:46:41:21

The delivery of this project, it delivers transmission infrastructure. It doesn't deliver generation infrastructure. And we have rehearsed in earlier representations the issue that the applicant is still not, in our submission, adequately explained the up to date position on the timing of the other generation projects which this application is intended to facilitate, and we have put in detailed representations in our earlier representations critical of the information that was being relied on for the timing of the, um, delivery of those other transmission, sorry, generation projects, which would generate a requirement to make a constraint payment if those generation projects actually were delivered.

00:46:41:27 - 00:47:32:29

Obviously, if those generation projects are not delivered to the timelines that had been assumed, there is no constraint payment to be made. It's a little bit of a, um, a, um, uh, I won't really say it's a bogeyman, but it is being painted as some, um, enormous impediment that you have not been given with, uh, in terms of our submissions, you have not been given by the applicant and up to date account of the delivery of those other projects so as to be confident that the calculation that was provided in headline terms by Niso in 2024, that's the £2.7 billion, which is then equated to £7 million a day.

00:47:33:01 - 00:48:11:12

You have not been given an up to date figure for what that would be. If you take into account actual timelines for the delivery of those other projects, and as we have also made the point that that Niso paper was dealing with the position, if a ceiling is delayed. Sorry if from if Norwich to Tilbury is delayed from 2030 to 2031, but we've already provided you with evidence that it appears perfectly clear that Norwich Tilbury is going to be delayed to 2031.

00:48:11:14 - 00:48:25:24

So it's something of an artificial point. And then I think perhaps, um, the the last point to be made, uh, is, um.

00:48:29:03 - 00:48:41:03

That. Yes, Effectively, if and I do accept that there are caveats about it. If the delay were of the order of 9.5 weeks or thereabouts.

00:48:43:06 - 00:49:07:00

Just over some two months temporarily, we would say that is not at all disproportionate to the benefit that is then gained to the communities affected in terms of having the certainty of periods of respite at on the Sundays. It's not respite at the weekends, it's respite on Sundays and bank holidays.

00:49:11:02 - 00:49:35:29

And we have recognised, as we have in our proposed alternative requirement, that there should always be some flexibility to allow for the exceptions in the event that whether it's a particular tasks or particular circumstances or site conditions which require them to work over those periods. So so that's our overall position on that.

00:49:36:01 - 00:49:37:22

Mr. Bedford, that we will.

00:49:37:24 - 00:49:45:17

We will certainly look forward to receiving and commenting on any further calculations that are put forward, but I'll defer on that until we've.

00:49:45:19 - 00:50:15:29

Been fine. I mean, clearly, the applicant is going to respond to my question, which might provoke further responses from yourself. I'm sure it will. Um, I mean, obviously in the applicant's calculations, they are talking about, um, certain crews not being able to work with other crews, etcetera and so on. But bearing in mind the length of the project and, you know, I'm fairly sure that within the programming, those other crews would be being utilized elsewhere anyway. Um, would that not be the case? Can somebody.

00:50:16:29 - 00:50:31:26

I'm Russell Harris Casey for the applicant. Yes, I'm sure it will be the case. And, um, that is something that I think we've taken into account in coming up to the 14.4% reduction per annum per annum. But you've set us our homework. We will provide you with perfect homework.

00:50:31:28 - 00:50:36:25

All right. I've got a hand up online. It's Emily Davies. Please.

00:50:37:14 - 00:50:37:29

Thank you.

00:50:38:17 - 00:50:41:09

Sir. Emma Dring for Essex County Council.

00:50:41:24 - 00:50:42:13

I'm sorry.

00:50:42:25 - 00:51:13:05

Ring. Sorry. Thank you. Um, just a few short points, if I can. Um, just conscious of the time. Obviously, you've. I know you've read that our position on construction hours. We set that out in some detail in our response to the most recent round of questions. Um, I will agree with everything that Mr. Bedford has, has said on this topic. Uh, and secondly, welcomed the action point for clarity over the real world impacts of restricting working hours over the lifetime of the project.

00:51:13:11 - 00:51:54:02

Um, because I think we agree that the figures that have been discussed today don't sound disproportionate, balanced against the health and wellbeing of residents. I just want to make one final point about the approach and the applicant's approach to essentially who bears the onus in terms of restrictions on working hours. Um, that that the approach that's been outlined to you is, is too extreme. Um, we would say it doesn't require technical evidence to conclude that it's necessary and reasonable to prevent 24 over seven working and to impose some restrictions on on working hours and the standard construction hours limiting bank holiday working.

00:51:54:04 - 00:52:25:05

That's obviously something that's widely imposed on projects of all types and scales. And the reasons for that are also obvious, um, which is that it's widely recognised that, you know, there are likely to be particular impacts from evening and weekend noise and disturbance that's supported by documents like BS 581, uh, and World Health Organisation guidance as well. So the applicant is seeking longer than, than those standard hours and should justify that.

00:52:25:27 - 00:52:58:09

And as Mr. Bedford helpfully summarised in terms of the applicant's response to your question, um, they appear to be wanting flexibility to to enable the use of extended hours in certain cases where that's needed. So I think we would maintain that that's not a justification for these extended hours across the board. And a better way to deal with it would be to to have standard hours, as we've proposed in particular, not not the Sunday working and public holiday working.

00:52:58:11 - 00:53:08:15

And there's scope for extending those in particular cases where that's appropriate. Um, but so I'll stop there. Um, there's obviously we need to make progress. Thank you.

00:53:08:17 - 00:53:18:06

Okay. Thank you. Uh, does any other county or local authority have anything they wish to add that hasn't already been said by any other county authority so far?

00:53:20:22 - 00:53:26:25

Right. Any interested party in the room? Uh. Or online? Indeed.

00:53:28:21 - 00:53:35:26

I'm getting no indication or no. Mr. Harris, do you want to come back at all, or would you prefer to put your responses in writing?

00:53:36:10 - 00:53:41:28

You've given us a clear indication, sir, of what you want, and we'll do that. I think it's better than me repeating things that I've already said.

00:53:42:00 - 00:54:06:16

Thank you very much. Thank you. Um, I want to move on to requirement 12, which is design of permanent buildings. Um, I wanted to ask the question of why it's limited to permanent buildings only. Uh, should a subparagraph be imposed requiring details of all above ground works at substations, uh, to be submitted and agreed with the relevant local authorities prior to the work's commencing? Um, I can come to Mr. Harris first. Would you like to respond?

00:54:06:21 - 00:54:10:28

I'm going to ask Mr. Roten to. And to deal with that.

00:54:11:01 - 00:54:47:16

Kevin wrote in on behalf of the applicant. It'd be really good if you could just clarify, uh, what you mean by non-permanent. Is that in relation to site cabins? It's in relation to any aboveground structures effectively. Um. Previous projects I've worked on, um, the, um, blocking valve stations, for example. Or those sorts of bits of infrastructure. They've all been subject to, um, conditions or requirements requiring the details of their design to be kindly agreed with the local planning authority. I'm just wondering why similar, similar requirements related to energy infrastructure aren't actually required in this instance.

00:54:47:18 - 00:55:27:18

Why is it only permanent buildings that will need the final signoff by the local authority? We'll take that away. Uh, I think we have reviewed the list of permanent and non-permanent buildings, and we do consider it being best presented in the design approach site specific infrastructure document. Uh, I think the key point in this discussion is the definition of the building. Uh, we did respond to question 2.3, clarifying that in relation to section 64 of the Electricity Act and what is an electric line and what is the electric plant? I think that's fundamental, but I think we can define that in the updated version of the design and access statement.

00:55:27:20 - 00:55:47:05

And you will note that deadline five. We update the Daisy to include a design review process. And it is that mechanism, uh, control mechanism where we think that we can secure those details and consult relevant parties.

00:55:53:13 - 00:55:54:06

Thank you very much.

00:55:54:08 - 00:55:56:10

I'll look forward to that clarification.

00:55:56:12 - 00:56:02:16

Um, do any local authorities or, um, county authorities wish to say anything in regard to this matter?

00:56:04:09 - 00:56:38:06

No indication in the room or online. Any interested party wanted to comment on permanent buildings and other infrastructure? No. No indication. Um. I'm not going to come back, Mr. Harris. Um, because there's nothing to come back on. So, um, I've got a I had a question in the agenda regarding, uh, management plans and commitments, including in relation to employment skills plans, management plans to be approved, etc., and mitigation into project cumulative effects.

00:56:38:15 - 00:57:01:21

Uh, and the provision of as built details in relation to local authorities. Bear in mind the time we've got left. I'm going to put that into a rule 17 letter, uh, and send it out to, uh, the applicant to respond to. And then other people can respond at the appropriate deadline, which will probably be deadline six, I would guess. But, um, it depends how quickly we can get that letter issued. Um.

00:57:06:20 - 00:57:08:15

I want to quickly talk about, uh.

00:57:08:17 - 00:57:32:29

Schedule for discharge, a requirements. Schedule for discharge requirements. Um, can the applicant talk us through the proposed approach of adopting the designees requirement of the Department of Energy Security Net Zero Requirement discharge unit for the Norwich project to set out in appendix A of its comments on post hearing submissions and interested party points. That was rep 5194.

00:57:33:28 - 00:57:35:27

Um, Mr. Dre, we'll deal with that.

00:57:37:26 - 00:58:02:28

And thank you, Chris Drage for the applicant. Uh, as you've referenced, we've we've set it out in appendix A, but I do know obviously conscious that went in at the last deadlines. But if it's helpful, I can give a quick overview and go into any detail that you want us to. And in particular, we are keen to hear the further responses from the LPA or stakeholders, obviously, which we assume they will respond to our deadline. Five submissions and anything we raised today.

00:58:03:00 - 00:58:18:00

Yeah, if it's any help, I've read it in detail. Um, and I had a couple of questions I wanted to ask in relation to it, but my computer screens just jumped, so, uh, I'll let you go through it. Can I find my spot?

00:58:18:02 - 00:58:49:09

Can I buy you some time? Um, I think the starting point is. And the important point that National Grid and the app you want to get across is this is a response that I think we've all got to make a response. And so it's applicant. We feel we need to respond to the future jurisdictional, um, mechanisms that government guidance is apparently going to set out. And that's yet to come. So we don't have that. Um, I understand it's being worked up. I think they're consultations are underway, um, with the the department and key stakeholders.

00:58:49:11 - 00:59:32:13

And over the summer, we're told that the framework is going to emerge and the detail will be within that and no doubt more to follow. So so a lot of what we're saying is embracing that, uh, um, that new mechanism which we can't yet define. Um, we want to highlight that this is about the mechanism. This is not in any way a predetermined view of our intent. So we are not saying we will do one thing or the other. We just want to be able to be able to implement whatever government guidance suggests we need to do in order to meet the acceleration tests, and we have summarized how this all came about under the Nuclear Regulatory Review 2025, which people call the Fingleton Review.

00:59:32:20 - 01:00:13:05

And recommendation 30 is, I suppose, the key one where government says, um, sorry, where the the recommendation is that the unit should be established and that guidance issued by MHCLG should be updated to endorse the use of this unit. Hence, this is the point. We don't know what that update yet will say. The government did respond to that review, um, confirming that he accepts the recommendation. And again, it further went on to say that it will establish a new unit, um, to consolidate keyword there, consolidate and deliver post consent discharge functions in consultation with the local planning department.

01:00:13:07 - 01:00:46:14

So again, we don't know quite what that means. Consolidate. It could mean a range of things. It could be we are a mirror of what local authorities do. It could be a something completely different. We really don't know. So we just thought it was prudent to enable this order to adopt whatever things we are directed to do by government as and when it comes forward. Um, so the approach we adopted and indeed the drafting that you ask us to put forward, we have done so. And that is in a table that's appended to the appendix that we've just referring to.

01:00:46:16 - 01:01:20:28

We did it at a table because we thought it was more helpful to see the sort of before and after, rather than adopt the pluralized doctrine. And of course, we will put that into the main order. And we would look to do that at deadline six, the next one, if we have comments back from other parties, which of course we can accept and we'll add those in at the same time. So there's a bit of an evolution there. That discussion is really important. There. Have we said that last time we spoke about this, that the applicant will be talking to the authorities? And I understand there have been two meetings, one of the 21st of May and one on the 4th of June.

01:01:21:16 - 01:01:43:29

I don't know if all the local authorities are involved, but I know a lot were and it was discussing this approach of how how the parties can work together to ensure that if you like, the best of both is achieved. And that's really important. This is not closing one route in favour of another. Um, the, um, the paper also, um, attempts to answer one of the questions posed.

01:01:44:01 - 01:01:44:16

To.

01:01:44:18 - 01:01:59:19

Us at the last hearing, which was, you know, why should we choose? Why should the applicant have the choice? Um, we do understand the concerns. Um, we're not looking to have, uh, if you like, full discretion, uh, where it's not needed or given to us.

01:01:59:21 - 01:02:33:06

But again, it's. The point is, we just don't know what that will be. We looked at the other way around. Could we could we sort of come up with a list of where we wouldn't have? We thought, well, who's to come with that list either? Um, so, so really it's just a sort of we've got two routes, A and B, um, and under the guidance and we will act in accordance with that guidance. Of course, that will be the determining factor we assume, um, when it comes through. Um, we've, we've had some, some comments through about local knowledge and the importance of local authorities, which the act 100% endorses and understands.

01:02:33:08 - 01:03:13:12

And indeed, we would not in any way look to lose that, um, because, um, through the sort of function of having, um, uh, requirements discharged, especially if this is a staged process. So you might have had something to discharge at one stage. And effectively it's a repeat of it again in relation to another stage. You'll be evidentiary sort of sensible to, to go through the same process as before. So we want to adopt that. Um, so we think there's consistency and oversight still available for all parties. Um, The we recognize the guidance or rather the the review did make it very clear that local authorities would be always statutory consultation consulted.

01:03:13:14 - 01:03:42:24

We've tried to embrace that in the drafting. Um, what is not in this paper, but we wanted to reaffirm is at the last, um, ish, we did confirm that the PPAs would remain in place and and that would cover this process as well. All right. So I know that's been a source of discussion amongst local authorities. How do the feedback supply etc.. We would certainly look to um, square that one off if you like, in the PPAs. Right. So that's the sort of fly through as though that's understood.

01:03:42:26 - 01:03:43:16

I mean, the.

01:03:43:18 - 01:03:44:03

You've.

01:03:44:05 - 01:03:45:00

Already touched on one of the questions.

01:03:45:02 - 01:03:46:12

That I had, which related back to the.

01:03:46:14 - 01:03:46:29

Last issue.

01:03:47:01 - 01:03:48:04

Specific hearing.

01:03:48:08 - 01:03:52:22

Uh, and the potential loss of oversight of the requirements by virtue of being able to pick who submitted.

01:03:52:24 - 01:03:53:14

It to.

01:03:53:22 - 01:03:56:17

Um, that is still a concern that I have.

01:03:56:27 - 01:04:33:22

Um, and my concern is basically it increases the risk of things falling between gaps effectively, with one one, one body doing one thing and a different body doing another thing. Um, so. So I've got a slight concern about that, and I'd be interested in the local authority's response to that to understand what they think about it. The other minor point that I had, and I had noted the fees thing as well, but but I hadn't got a comment on that. It was I, you know, it's between the parties, but, um, the, the other point I would be going to make is that where have I gone? Yeah.

01:04:33:24 - 01:05:04:08

So you've defined designated unit, um, within schedule three, paragraph 1.1, um interpretations. Um, however, you also refer to it in that term in article 55 procedure regarding certain approvals. Uh, and my question was, is shouldn't the definition actually be in article two as opposed to in requirement in schedule three at paragraph 1.1? Um, I'm happy to leave that with you. For you to go away and come up with, with your view on that.

01:05:04:10 - 01:05:11:27

Um, can I open the question up to local authorities and county authorities, please? Mr. Bedford, you look like you want to say something.

01:05:12:03 - 01:05:44:13

Thank you. Thank you sir. Michael Bedford, Suffolk County Council. Uh, so, yes, um, I think we're in a situation that we are able to agree with the applicant that, uh, it would not be helpful to the objective of, um, the Fingleton review for all discharge of requirements to be left to the new business unit.

01:05:45:03 - 01:06:23:16

Um, and the applicant, I think, uh, recognizes that that's not appropriate in part of their response in, um, appendix A. Yeah. Um, Uh, particularly there a point. 1.4 and a point. 1.15. And they also, um, helpfully recognize the important role of local authorities in that. So I think to that extent, we're on the same page that we don't think either of us that actually, in terms of the effective discharge of requirements, it would be sensible to push it all to the new unit.

01:06:23:29 - 01:07:06:01

Uh, we do have a concern that the applicant and this isn't a comment about this particular applicant, it would be any applicant. We do have a concern that the applicant should be the person who chooses who to apply to for discharge. And we think that the well, one we think that's inappropriate. But two, we think that the simple answer to that, which both, uh, allows for oversight but also maintains the role of local Authorities is to have effectively a mirror of the section 77 calling powers that exist under the Town and Country Planning Act 1990.

01:07:06:03 - 01:07:56:25

That is to say that the default position is that requirements are discharged at the local level by the relevant local authority, but the Secretary of State has the power in either any case or any class of cases, to make a direction that that should not be the case and that could. That power can be exercised by the Secretary of State, either of his or her own volition, or because it's requested by the applicant, or it's requested by the local authorities, or indeed it's requested by any other party, because it may be a statutory agency, for example, the Environment Agency or Natural England may wish things to be dealt with.

01:07:56:27 - 01:08:47:13

At Secretary of State level, rather than at local level. We know what one doesn't know, but the, um, position would be, uh, that I say there is the route there for it to go to the Secretary of State, but it's not required to go to the Secretary of State in every case, and it can be dealt with at the local level. That would be the the default. That would be certainly our preference. And we suspect that for many of these cases, that would also be an applicant's preference because of knowledge of the project and knowledge of how different bits of the jigsaw fit together, we have already put forward wording for such a requirement in representations that we made to the Sea Link examination, where we put in a document, and I think we would subject to any further discussions with the applicant.

01:08:47:16 - 01:09:25:09

We would be likely to be putting the same or very similar wording forward to you in response to the the applicant's suggestion, because I say we think that that, as it were, has the virtue of allowing the Secretary of State to intervene if there are reasons for doing so, whether that's because of local authority dilatory

ness, or whether it's simply because of sensitivity or whatever. But it also allows the, um, local authority, uh, knowledge and local authority accountability to remain in place for the most part.

01:09:25:22 - 01:09:57:13

The other point that we would just want to, um, raise and this would be if you were not minded to adopt that sort of a hybrid approach and and you were of the view that all matters should go to the Secretary of State for discharge, then it would be absolutely critical to build in proper arrangements for not only consultation with the local authorities, with set timelines that they're allowed for consultation responses.

01:09:57:15 - 01:10:41:14

There would also need to be a requirement for the applicant to then reflect those consultation responses in the application. That's then put forward to the Secretary of State. And I think we've found again, it's in our Sealink representations. There is a useful precedent for how that can be drafted in one of the lower Thames crossing, um, requirements, because there you'll be aware, obviously, that because it's a Highways Act, or at least it's a National Highways Act scheme, all of their discharge requirements go to the Secretary of State because he has a bespoke unit, but it does build in a proper mechanism for consultation with the relevant authorities.

01:10:41:23 - 01:10:59:13

So those are all essential points. I say we are happy to work with the applicant to see if we can actually come up with a joint way of dealing with it. But we think at the moment our kind of quasi calling approach is a better way around the problem than leaving it for the applicant to choose who to apply to it.

01:10:59:26 - 01:11:07:28

Understood. Do any other local or county authorities have anything to add? In addition to what Mr. Bedford has just said?

01:11:10:12 - 01:11:13:04

There's somebody on the screen, but I can't read their initials now because they.

01:11:15:27 - 01:12:04:05

Thank you, Sir Brian Curtis for the district council and the Suffolk District Council. And just wanting to echo what Mr. Bedford has said, but also add a couple of additional points of consideration that are relevant in whatever is drafting DCO. And that's just bearing in mind what you said about the loss of oversight and inconsistency and the risk that that poses to ensuring compliance with delivery and the role of the local authorities as enforcing authorities in in the ongoing delivery. We know from the from experience of similar projects, such as that there will be a number of iterations of approved documents, either purposefully or as a result of um reported noncompliance, whether that be purposeful reports from the developer or reported alleged noncompliance that we then have to respond to.

01:12:04:07 - 01:12:36:21

It's really important that we have a full, clear library of what the approved and relied on documents are, and that we have access to those quickly and easily to be able to keep a more iterative dialogue with the

developer through delivery, so that noncompliance is a more of a continuous thing rather than a reactive thing. And I think that potential for inconsistency and lack of responsiveness, if there's an option to pick and choose, is a real risk. And I think that will actually build in delay later down the line.

01:12:37:03 - 01:13:07:13

Yeah. Thank you. Thank you for not getting your name right at the beginning as well. So apologies for that. Um, that would seem to suggest Mr. Bedford's suggestion of Secretary of State calling might be a better route through, because then the submission would be made to the local authority in the first instance, and then the Secretary of State could call it in if they desired. Um. I'll leave that to you to, to think about, um, do any other county or local authorities have anything they wish to say?

01:13:09:23 - 01:13:14:13

No. Anybody in the room, any interested party in the room or online?

01:13:16:07 - 01:13:27:09

No indication. So I'm going to come back to Mr. Harris. Um, you can either do comments now or in writing as you see fit. It's entirely up to you. Christian Drage for the applicant.

01:13:27:11 - 01:13:57:26

Um, in the interest of time, perhaps quick, quick hybrid. So definitely will come back. Welcome. The opportunity to to discuss this is. This is new ground. You know, we're we're coming up with fairly substantive drafting to a statutory instrument. So we want to get it right. Um, as for those suggestions um, certainly take those away. Won't comment now on those. What I would say is that we're all trying to achieve a process that is both fair, but also reasonable and efficient. So just want to make sure that when we have discussions, it's clear that we're not looking to double up on processes and delay.

01:13:57:28 - 01:14:22:21

But may I ask through you, sir? Would it be possible for the local authorities to suggest a timescale for when they might send us, ideally a combined set rather than 15 versions of something similar? Because we would like to respond to that in a revised drafting by a deadline. Six. So I asked that through you, sir, if that's appropriate now or maybe something to think about, and that would be the point. We will take those away as well.

01:14:24:08 - 01:14:32:06

Mr. Bedford, do you have a comment on that? I mean, I know you're not speaking on behalf of all local authorities or county authorities, but it might be helpful to get your view.

01:14:32:24 - 01:15:15:09

Sir. Certainly. I mean, the voices I'm hearing are saying that we will do our best to get a coordinated position Across during the course of next week. But there are more moving parts than just us. Yes. In a sense, we already. If it helps anybody, I'm sure the applicant has already seen it, but it was rep 7366 to the Sealink inquiry is where we set out our position there. And whilst I say we are certainly amenable to

others suggesting improvements on that drafting, unless there are suggestions of improvements, we're likely to be suggesting the same is applicable to this examination.

01:15:16:14 - 01:15:59:23

Um, I'm just thinking about timescales. Um, our next deadline is deadline six. Um, even if we put something into a Reg 17 letter asking for responses, we wouldn't get anything before deadline six. We can ask as an action point for local authorities to respond to the suggestions that have been made by deadline six, but that doesn't give you the opportunity to respond by deadline six. But we can't introduce a new deadline without issuing a new rule eight three letter. So? So we have a sort of an impulse here in that you'll, we'll have to ask as an action point for local authorities to respond to this issue, um, and for you to respond to that after deadline six um, Russell Harris.

01:15:59:25 - 01:16:00:14

Casey for the.

01:16:00:16 - 01:16:01:06

Applicant.

01:16:01:08 - 01:16:01:29

Yes. But I think we.

01:16:02:01 - 01:16:02:23

Learned friend has.

01:16:02:25 - 01:16:45:25

A good point when he says we can look at the ceiling, which we have, and we'll use that as a starting point and we will produce something by deadline. Six in any event, we may need another bite of the cherry when other local authorities, if they do take a different view, express that different view, that's fine. Okay. Okay. So just as a note, as an action point, um, we're we're asking for local or county authorities to respond to, uh, the suggestions that have been made by the applicant in terms of, uh, this discharge, uh, and whether or not, uh, Effectively, they can come to an agreed form of wording in relation to an alternative to to the wording currently suggested.

01:16:46:06 - 01:17:18:02

Is that my correct understanding? Does anybody want to clarify? No. Getting nods. So? So everybody seems to be happy with that. All right. Thank you very much. Um, I'm conscious of the time. So I'm going to put an action point, not an action point. I'm going to do a rule 17 related to the validation checklist that was on the, um, the agenda and an update. Uh, if there's anything beyond what's already been submitted, that was a simple thing.

01:17:18:16 - 01:17:44:29

Um, in terms of agenda item 5.3, which was an update on article 60 and 19, it was just really whether or not there was anything to add since last time when we spoke about this issue, specific hearing to, um,

whether or not there was anything that needed added in as a result of the change requests or any other documents that we weren't aware with that needed to be listed in schedule 19, can the applicant respond at all, please?

01:17:45:01 - 01:18:07:22

Helen Helen Hetherington, on behalf of the applicant. Um, the latest draft of the DCO, which is uh, 5060, includes one further addition to the list of certified documents. No proposed additions are required as a result of the change applications, but we can provide a further update at deadline six with the next revision.

01:18:07:24 - 01:18:29:23

Perfect. Thank you. I mean, I wasn't expecting very much as a result, but it was a question I wanted to ask just to make sure we were clear on that. Um, do any other, uh, county or local authorities or interested parties in the room or online want to ask anything about, um, this particular item, which is article 16 and schedule 19 of the draft DCO.

01:18:32:11 - 01:19:11:05

No indication in the room or online. So I'm going to move on to item 5.4 which is consent. Licensing is another agreement. Um, I did have a question in here regarding um, consent licensing of agreements. But um, we we are going to pick it up in other business tomorrow, um, or possibly Friday depending on when, when any other business comes uh issue specific hearing for um, the, the one thing that I do want to put you on notice though, on is that we've read your responses to second written questions.

01:19:11:07 - 01:19:19:27

Gen 2.2. We're quite clear on that. We understand where we are with that, especially in relation to tables eight, A1 and A2. Um.

01:19:21:29 - 01:19:28:18

In terms of biodiversity, net gain and the unilateral undertaking related to that, um, we.

01:19:31:13 - 01:19:51:26

You indicated that the draft unilateral undertaking for review and requested for comments by the 12th of June, 2026, or of local authorities. You've said you've issued something to them. Um, we want a clearer understanding. Perhaps tomorrow, um, or Friday, uh, in relation to your position on biodiversity net gain. Um,

01:19:53:21 - 01:20:28:08

we think being and the unilateral undertaking related to that is quite key to whether or not more needs to be done within the draft development consent order. Um, in relation to biodiversity net gain. Uh, and we want to see further progress in relation to it. So, so if we can have a clearer understanding of where you are with that to tomorrow or Friday, depending on when we get to it, that would be really helpful. Um, so I'm not going to ask you anything else about that here. I just wanted to put you on notice. Um, that we will ask it in issue specific hearing for ING under any other business.

01:20:28:19 - 01:20:50:03

Um, So that concludes my questioning related to the draft development consent order. Does anybody either online local authorities, county authorities, starting with those want to raise anything with regard to the development consent order that we haven't raised here, that that is pertinent to what we've discussed so far today.

01:20:54:06 - 01:21:04:06

Get no indication opening the floor to interested parties, either online or in the room. I've got a hand up from MW, please.

01:21:07:19 - 01:21:42:06

Thank you sir. Uh, Monica Wexler's on behalf of the Lower Thames Crossing project. Um, I indicated earlier that we had some comments on article 59. Um, and I appreciate the time, but I do think it will just take a couple of minutes for me to to set that out, and I think it would be helpful to do so. Yeah. Thank you. Um, so the LTC, as we have previously set out, has concerns about the interactions between the two project, but specifically in relation to the LCS ability to comply with obligations under the DCO.

01:21:42:08 - 01:22:17:29

Under its DCO, I should say. Um, should the Norwich Tilbury project be consented? Um, as a result, um, to enable the integrated delivery of both projects, the applicant and LTC are agreed as to the need to include additional drafting within the entity DCO for purposes that relate to the LTC project. Um, those amend those proposed drafting updates are still under discussion, but I think it's useful for the examination to to understand what the intention of those, um, updates will be.

01:22:18:01 - 01:23:02:15

So firstly, to expressly record the fact that any works carried out pursuant to the Norwich Tilbury DCO, which are inconsistent with or conflict with any provisions under the LTC. DCO will not place LTC in breach of the terms of the LTC, DCO and linked to that. Um, the we propose to put forward amendment that would allow LTC greater flexibility when discharging certain requirements, specifically in relation to landscaping and ecology, and the intention there will be to allow the Secretary of State for transport to determine that certain obligations or commitments can be discharged or satisfied in a different way.

01:23:02:22 - 01:23:38:22

Um, should the entity DCO be, um, consented? Uh, those, as I've sort of indicated, those drafting suggestions have been shared with the applicant. Um, but discussions are still ongoing on that topic. Um, so there's no agreed drafting as yet. However, um, we hope to be in a position where we will LTC will be in a position to, um, put into the examination at deadline six those drafting updates. So we just wanted to flag that that will be coming at deadline six, along with those protective provisions that we've mentioned on this morning's, uh, at this morning's hearing.

01:23:38:24 - 01:24:03:22

Yeah, I heard I heard the conversation this morning about protective provisions and you submitting your own version, uh, into the examination for us to consider. So thank you about that. The the redrafting that you're going to submit in relation to, um, the articles that, that that specifically in relation to the articles, uh, within the main body of the DCO or is it in the schedules or is it, uh, within the requirements section that you're talking about?

01:24:03:24 - 01:24:08:04

So it will be an article 59, which is the amendment of local legislation.

01:24:08:06 - 01:24:24:27

I'm sorry. Okay. That's fine as long as I understand. Um, Mr. Harris, I'm assuming that you're going to come back in writing on on that point. Um, but you're welcome to say something about it now, if you wish to. No. Thank you. Okay. Does anybody else wish to say anything on what they've heard with regard to article 59.

01:24:26:25 - 01:24:40:08

Okay, I'm getting no indication. So thank you for your time and your your input. Thank you very much. Um, that's the end of the items that I've got. I can pass to, um, Mrs. Harris. Uh, Mrs. Hunt. Sorry, sir.

01:24:42:00 - 01:24:44:20

Again? I said Mr. Harris too many times, and then just.

01:24:46:21 - 01:25:04:29

Thank you. Um, there's been a number of action points. Um, some of them we're not sure about, but I'll. There are not many. Um, but we'll we'll go through those. I'll discuss them with Mr. Butler and, but we'll, we will issue those as soon as possible. I'm sure you've been making your own notes.

01:25:06:15 - 01:25:07:08

Um,

01:25:09:00 - 01:25:13:06

we will publish on the, on the website early next week. Probably.

01:25:14:25 - 01:25:54:01

There are no other items relevant to this hearing at the moment. The we we purposefully didn't put any other matters on this agenda, because we would rather leave those to the end of issue specific hearing for. So if there is any other mopping up type issues, we will do it at the end of tomorrow or Friday's session. Um, I don't think there'll be any surprises. There won't be more be like updates and that sort of thing. Um, and as, as is on the agenda for issues specific hearing for things like statements, common ground, um, as Mr.

01:25:54:03 - 01:26:00:28

Bartlett just mentioned, progress of legal agreements with local authorities and other bodies.

01:26:04:03 - 01:26:37:13

So just remind everyone that any post, post hearing documents, um, summaries of oral submissions made today should be submitted to deadline six Tuesday 7th of July And there will be a recording of today's session which will be published on the project web page. Um, yeah. And we're back here tomorrow. 10:00 Chelmsford Racecourse and online as well. And we'll be discussing a range of environmental matters.

01:26:38:05 - 01:27:12:27

And as on the agenda, they are limited to landscape, visual noise, aviation safety and socioeconomics. So before we close, we'd all like to thank all of today's participants for their time and assistance at the hearing. Your answers to our questions and other comments have been very useful, and they will inform our forthcoming recommendations to the Secretary of State. The time now is 507 issue specific hearing three on the Norwich Tilbury project is now closed.

01:27:12:29 - 01:27:13:23

Thank you.